

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 10TH DAY OF NOVEMBER 2010 AT 7:15 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Annette S. Perkins	-Chair
	James D. Politis	-Vice Chair
	Mary W. Biggs	-Supervisors
	William H. Brown	
	Gary D. Creed	
	Doug Marrs	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Ruth L. Richey	-Public Information Officer
	Vickie L. Swinney	-Secretary, Board of Supervisors
ABSENT:	John A. Muffo	-Supervisor

CALL TO ORDER

The Chair called the meeting to order.

Chair Perkins reported that the Board of Supervisors held a special work session with the Montgomery County School Board on Tuesday, November 9, 2010. At this meeting they discussed the School Board's responsibility and the Board of Supervisors' responsibility regarding school capital needs. The School Board forwarded a resolution to the Board of Supervisors declaring the need to replace critical capital projects (Auburn High School, Auburn Middle School and Blacksburg High School) to meet the educational needs of Montgomery County Public Schools. The total estimated cost for replacing these schools is \$124 million.

Chair Perkins stated that the Board of Supervisors on September 13, 2010 adopted a resolution requesting the Montgomery County School Board to repair the Blacksburg High School with a 5-2 vote. Chari Perkins stated this resolution did not include the Auburn High/Middle Schools just Blacksburg High School. She stated the Board of Supervisors' resolution did not act on the School Board's resolution, which still needs to be addressed.

Chair Perkins stated that the Board of Supervisors will not take a vote at the meeting tonight due to Supervisor Muffo's absence. She does not believe it would be appropriate for the Board of Supervisors to take action without his input. She apologized to the citizens for any misinformation about the meeting tonight who thought a final vote would take place. However, she asked that this issue be added to the agenda under work session to allow further discussion.

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC ADDRESS

Chris Jordan urged the Board to accept the recommendation by the School Board to build two new high schools. Mr. Jordan expressed concerns that the educational aspect was not discussed at the joint meeting between the Board of Supervisors and School Board. He stated research shows that facilities and academics are both factors in student performance. Blacksburg High School was named one of the top ten high schools in the nation and he believes this was because of the teachers.

Dale Wimberly stated there are different levels of income of children in public schools. He believes that higher income parents support public schools and if you push these parents into sending their children to private schools they will stop supporting the public schools. This in turn, will affect the lower income students as the supports for the school will no longer be available.

Mr. Wimberly also suggested the following:

- enact property tax relief for the elderly
- eliminate the car tax
- program to compensate low income residents
- support a constitutional amendment to give property relief for lower income
- restore the merchant's capital tax

Mr. Wimberly stated he does not support repairing the Blacksburg High School and urged the Board to vote for a new school.

Bobby Way spoke in support of repairing Blacksburg High School. Mr. Way expressed concerns with a real estate tax increase and how numerous citizens will not be able to afford an increase. He also questioned what the School Board's intentions are with vacant school facilities in the County.

Mr. Way also expressed concern with the lack of maintenance and upgrade to Poff School Road in Riner. He stated this road used to be on the County's Six-Year Secondary Road Improvement Plan but was taken off and he questioned why. Mr. Way believes that funding for secondary roads was allocated to the Smart Road, which in his opinion was a waste of money.

David Conner supports the construction of a new Blacksburg High School. Mr. Conner stated that the citizens have been told this school can be made safe, but at what cost? He asked if it is wise to put money into a building that has had numerous problems in the past. He believes this will not be fiscally responsible. He suggested the Board of Supervisors pursue the Virginia Tech Foundation to purchase the BHS facility for research space, which will help provide financial support for new schools.

Hara Misra addressed the Board concerning the proposed telecommunications tower on Harding Road. Mr. Misra expressed concern with the location of the tower near a residential neighborhood, potential of property value decreasing, and health issues. He asked the Board to consider amending their Zoning Ordinance to provide stricter conditions for telecommunications towers in the County.

Chris Carmichael suggested the Board of Supervisors increase other revenue sources/taxes besides the real estate tax in order to help fund the construction of two new high schools and a middle school. Mr. Carmichael reported that Roanoke City increased their meals tax and collected \$1 million in a month's time. He also suggested selling the old Blacksburg Middle School sites and the Blacksburg High School site. Mr. Carmichael urged the Board to use public-private partnership or local universities to get the process moving forwarding in building new schools.

Kathleen Davenport-Davis supports the building of a new high school in Blacksburg and Auburn. Ms. Davis believes that repairing the BHS does not extend the life of the building and allocating money towards repairing is not a wise use of taxpayer money. She believes spending money now for repairs and then money for a new school in ten years will cost the citizens \$100 million for just the BHS. Ms. Davis also spoke in support of an increase in teacher salaries as they have not seen an increase in salary for three years.

Margaret Smith commented that the County should rejoice there were no injuries when the Blacksburg High School gym roof collapsed. The County was fortunate to have a facility to house the students after the BHS facility was deemed not useable. She believes the County has a quality educational system, quality teachers, and parent support. Ms. Smith stated the Board of Supervisors acted responsibly and that they have a tough decision to make on how to proceed, especially in an uncertain economic outlook. She asked the Board of Supervisors to do what is best for the entire County.

William Hopkins spoke in opposition to the telecommunications tower proposed on Harding Road. Mr. Hopkins submitted a petition with 133 signatures asking for stronger ordinances on cell tower siting for Montgomery County. He stated the below guidelines will protect neighborhoods from large unsightly towers and protect the natural and scenic values of the area while still providing cell tower site opportunities:

- When a cell tower location is within 1500 feet of residential zoning then the tower must not exceed 80 feet in height. All cell towers must not exceed 199 feet.
- New cell tower sites on or near (within 1500 feet) residential zoning must be disguised like a tree with fake tree limbs, and have all man made parts and pieces of the installation painted a natural color to blend in to the natural surrounding.
- New cell tower sites on or near (within 1500 feet) residential zoning must have a wooded buffer of at least 100 feet on all sides without any over head utility easements within that area.
- New cell tower sites on or near (within 1500 feet) residential zoning must be at least 200 feet from a public road and 1000 feet from the nearest residential dwelling.
- New cell tower sites on or near (within 1500 feet) residential zoning must be located at more than 1.5 times the height of the tower from overhead utilities.
- New cell tower site must not have signs advertising cell tower sites on private land.
- New cell tower site must have a coniferous landscape buffer that completely shields the fenced cell tower compound for the life of the tower.
- Cell tower sites that are on mountain slopes with a wooded backdrop are preferred over ridge top sites that have a sky backdrop.

Mr. Hopkins pointed out that Mr. Maxwell, the applicant for the proposed special use permit for a telecommunications tower on Harding Road, signed the petition.

Terry Ellen Carter addressed the Board about concerns with the election process in Montgomery County. Ms. Carter expressed concerns that date back to 2006 to present day and how the state law regarding elections are not being followed. Ms. Carter stated during a close election that the disregard for the voting process can affect the outcome of the election.

Tom Bibbins commented that the County cannot afford not to build a new high school in Blacksburg. Mr. Bibbins stated that Montgomery County has one of the lowest tax rates across the state and has the poorest athletic facilities. He believes the County needs to figure out how a new high school can be built.

Heather Dakota stated that the United States Secretary of Education stated every child deserves a safe environment. She stated that Blacksburg High School is not safe and believes there are 100 year old barns that are safer. Ms. Dakota urged the Board to support the School Board's recommendation and build a new Blacksburg High School.

Bruce Cunningham addressed the Board regarding the need for new school facilities. Mr. Cunningham understands how difficult it is in finding the funds to replace schools. He stated that the school officials need to pursue the insurance company to get more money for the gym collapsed. If figures are correct the cost of a new gym is \$10 million while the County will be receiving only \$3 million from the insurance company. Mr. Cunningham also questioned if now is the time to build and stated the County needs to be frugal.

William Ducker addressed the Board on the need for new school facilities. Mr. Ducker stated that the cost for construction for schools is low; however, no quotes are being requested. He believes if real quotes are received a more rational decision can be made. Mr. Ducker stated the cost for repair is now at \$23 million, which will have to be spent anyway if repairing. There is a \$25 million gap that will cost taxpayers an average of \$40-50 per year. He also expressed concern with some Board members wanting to repair the BHS without going through the proper building codes and stressed this is what happens before when the facility was first constructed.

Michelle Wilkins stated the Board of Supervisors has plenty of information to make a decision on the request by the School Board. She stated the School Board has bent over backwards to get the Board of Supervisors the numbers they need. She stressed that Blacksburg does not have a high school and decisions have to be made in order to apply for the QSCB funding before the deadline.

Martha Wunch spoke in opposition to the proposed telecommunications tower on Harding Road. Ms. Wunch also spoke in support of a new high school in Blacksburg. She also expressed her appreciation to all the veterans who served in the military and to remember them on Veteran's Day, November 11.

Jean Mitchell spoke in support of the School Board's resolution requesting a new high school in Auburn and Blacksburg and the renovation of the Auburn Middle School. She believes now is the time to move forward and start planning for these projects.

Jeff Mecham believes that it is the personal responsibility of the County to build a new Blacksburg High School. Mr. Mecham also berated the Board about the talk that people in Blacksburg have resorted to bullying. He asked how can you think that people will not defend and fight for their children. He stated that citizens are not going to appear before the Board of Supervisors in a public meeting and state that they are too poor to pay an increase in taxes. Mr. Mecham strongly urged the Board to make a decision and he believes the real estate tax will not increase an astronomical amount.

Mack Kidwell addressed the Board regarding the proposed telecommunications tower on Harding Road. Mr. Kidwell expressed his appreciation to the Board for delaying their action on this request and asking for additional information. He supports a stricter ordinance regarding telecommunications towers.

Bijaya Misra addressed the Board regarding the proposed telecommunications tower on Harding Road and the need for a new Blacksburg High School. Ms. Misra asked the Board to make the right decision and build a new school. She also expressed concerns with the construction of a telecommunications tower being built near a residential area.

Stephen Williams - Supervisor Biggs received the following e-mail from Stephen Williams which she read into the record:

“Board Members:

In the 9 months since the roof of the Blacksburg High School gym collapsed, there has been much discussion, many excuses, and far too much political posturing.

You have a recommendation from the school board to authorize the construction of two high schools which you have ALREADY placed in the capital plan FOR replacement. You have not rejected that request, nor have you approved it.

Instead of voting on that recommendation, you chose to vote money to fix the old Blacksburg High School, which is not what was recommended.

You have claimed that the Patrick Henry Drive building can be made safe. No one doubts that it can pass an inspection; but at what cost? Are you really willing to spend 60, 70, 80% of the assessed value of the building just to make it minimally useful? Are you willing to do that to a building that you have already slated for demolition in the next 10 years?

If you answered yes to any of those, why can you not approve funding for buildings you already plan to build? One building will come sooner than you planned, but you will have a gap in construction later to make up for it.

The time for complaining, delaying and pointing fingers is over. You have exactly 9 days to secure funding from the State for school construction. If you don't, you are all guilty of throwing away \$30 million.

There are dozens, if not hundreds, of people waiting to help find a way to fund construction of two new high schools. There are more funds and options available now than there will be for a long time to come.

Vote on the resolution to build now.

Stephen Williams”

There being no further speakers, the public address session was closed.

ADDENDUM

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously, the following addendum was added to the November 10, 2010 agenda:

INTO WORK SESSION

2. School Issues

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Doug Marrs	None	John A. Muffo
Mary W. Biggs		
James D. Politis		
William H. Brown		
Gary D. Creed		
Annette S. Perkins		

CONSENT AGENDA

Supervisors Biggs requested Item D: Appointments, Subject 1: AFD Advisory Board, be removed from the Consent Agenda and added under New Business. Supervisor Biggs stated that the recommended appointment of Gregory Miller to the AFD Advisory Board is her cousin and she believes she needs to abstain from the vote.

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously, the amended Consent Agenda dated November 11, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
William H. Brown		
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Annette S. Perkins		

Approval of Minutes

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously, the minutes dated July 26, 2010 were approved.

Appropriations and Transfers

**A-FY-11-40
SHERIFF
RECOVERED COSTS**

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

310	Sheriff Comp Board	\$ 1,290
320	Sheriff County	\$30,862
321	Sheriff County	<u>\$ 1,618</u>
	Total	\$33,770

The sources of the funds for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$32,152
419104	Confiscations	<u>\$ 1,618</u>
	Total	\$33,770

Said resolution appropriates recovered costs and confiscations for use by the Sheriff's office.

A-FY-11-41
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$420
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$420

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

A-FY-11-42
EMPLOYEE PAY SUPPLEMENT

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Montgomery County Board of Supervisors that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

110	County Administration	\$7,220
130	Financial & Management Services	\$5,170
140	Information Technology	\$4,310
150	Commissioner of the Revenue	\$4,850
152	Assessments	\$3,770
160	Treasurer	\$4,310
162	Treasurer Collections	\$3,230
170	Registrar	\$2,160
180	Internal Services	\$1,080
200	Commonwealth Attorney	\$5,930
201	Commonwealth Attorney – Domestic Violence	\$760
210	Circuit Court	\$1,080
250	Clerk of the Circuit Court	\$5,390
310	Sheriff – Comp	\$52,750
320	Sheriff – County	\$11,310
400	General Services	\$28,850
520	Human Services	\$3,230
540	Social Services	\$34,020
551	Victim Witness	\$1,620
700	Parks and Recreation	\$5,500
710	Regional Library	\$15,610
800	Planning & GIS	\$3,230
810	Economic Development	<u>\$2,160</u>
	Total	\$207,540

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451203 Undesignated Fund Balance	\$207,540
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Said resolution appropriates fund balance for a one-time salary supplement for County employees.

**A-FY-11-43
CAPITAL RESERVE TRANSFER TO
COUNTY CAPITAL PROJECTS
OLD BLACKSBURG MIDDLE SCHOOL
ASBESTOS REMOVAL**

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

451209 Transfer to County Capital Projects	\$136,000
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The source of funds for the foregoing appropriation is as follows:

451205 Designated Fund Balance – Capital Reserve	\$136,000
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BE IT FURTHER RESOLVED, The County Capital Projects fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011 for the function and in the amount as follows:

810 Old Blacksburg Middle School	\$136,000
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The source of funds for the foregoing appropriation is as follows:

451100 Transfer from General Fund	\$136,000
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Said resolution appropriates funds from the Capital Reserve to County Capital Projects for the asbestos removal at Old Blacksburg Middle School.

**R-FY-11-45
ADDITION TO THE SECONDARY SYSTEM
OF STATE HIGHWAYS
EASTERN MONTGOMERY LANE**

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

WHEREAS, The road described below provides access for school bus traffic from U.S. 460 to Eastern Montgomery Elementary School, a public school; and

WHEREAS, Construction of the road is complete and meets standards, deemed by the Department of Transportation, appropriate for traffic anticipated; and

WHEREAS, Construction was financed by sources other than those administered by the Virginia Department of Transportation; and

WHEREAS, The Montgomery County Board of Supervisors guarantee a right of way of 50 feet and additional drainage and slope easements as necessary for maintenance of the road.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Department of Transportation to add the following road described below to the Secondary System of State Highways, pursuant to 33.1-68, Code of Virginia:

Name of Road: Eastern Montgomery Lane (SR 9257)
From: U.S. 460 Length: 0.19 miles
To: Dead End - 0.19 miles South
Plat Recorded: 02/24/09, Instrument No. 2009001513, Page 9

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

R-FY-11-46
ADDITION TO THE SECONDARY SYSTEM
OF STATE HIGHWAYS – SCHOOL ACCESS ROADS
EASTERN MONTGOMERY ELEMENTARY SCHOOL

On a motion by William H. Brown, seconded by James D. Politis and carried unanimously,

WHEREAS, The roads described below provides access for school bus traffic from U.S. 460 to Eastern Montgomery Elementary School, a public school; and

WHEREAS, Construction of the road is complete and meets standards, deemed by the Department of Transportation, appropriate for traffic anticipated; and

WHEREAS, Construction was financed by sources other than those administered by the Virginia Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby requests the Virginia Department of Transportation to add the following roads described below to the Secondary System of State Highways, pursuant to 33.1-68, Code of Virginia:

Name of Road: School Access, length 0.18 miles E
From: Eastern Montgomery Lane (SR 9257)
To: 0.18 Mile East
Plat Recorded, 02/24/09, Instrument: 2009001513, Page 9

Name of Road: School Access, length 0.27 miles E
From: Eastern Montgomery Lane (SR 9257)
To: 0.27 miles E
Plat Recorded, 02/24/09, Instrument: 2009001513, Page 9

BE IT FURTHER RESOLVED, That a certified copy of this resolution be forwarded to the Resident Engineer of the Virginia Department of Transportation.

OLD BUSINESS

ORD-FY-11-05
AN ORDINANCE PROVIDING APPLICATION AND DISPOSITION DEADLINES
FOR APPEALS FILED BY PROPERTY OWNERS AND LESSEES WITH
THE BOARD OF EQUALIZATION FOR THE PURPOSE OF HEARING
COMPLAINTS OF INEQUALITY IN THE EQUALIZATION OF REAL ESTATE
ASSESSMENTS AND/OR THAT REAL ESTATE IS ASSESSED AT MORE THAN FAIR
MARKET VALUE

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Pursuant to Section 58.1-3378 of the 1950 Code of Virginia, as amended, the Board of Supervisors may provide by ordinance the date by which applications must be made by property owners or lessees seeking relief from the Board of Equalization for inequality in the equalization of real estate assessment and/or that real estate is assessed at more than fair market value; and

WHEREAS, The Board of Supervisors may also provide by ordinance the deadline by which all applications must be finally disposed of by the Board of Equalization.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby establishes February 7, 2011 as the deadline by which the Montgomery County Board of Equalization shall receive applications from property owners or lessees making complaints of inequalization of real estate assessments and/or complaints that the real property is assessed at more than the fair market value; and

BE IT FURTHER ORDAINED, By the Board of Supervisors that the Board of Supervisors hereby establishes March 7, 2011 as the deadline by which all applications shall be disposed of by the Board of Equalization.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
James D. Politis		
Mary W. Biggs		
Doug Marrs		
Gary D. Creed		
Annette S. Perkins		

ORD-FY-11-06
AN ORDINANCE AMENDING THE ZONING CLASSIFICATION OF
APPROXIMATELY 1.653 ACRES FROM AGRICULTURAL (A-1)
TO COMMUNITY BUSINESS (CB)
LOCATED AT 3653 PEPPERS FERRY ROAD
BRYAN & KATIE KATZ

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of Montgomery County, Virginia that it hereby finds that the proposed rezoning, is in compliance with the Comprehensive Plan and meets the requirement for public necessity, convenience, general welfare and good zoning practice and therefore approves the request(s) to rezone approximately 1.653 acres from Agricultural (A-1) to Community Business (CB), to allow an administrative office for a travel agency with an apartment. This approval is made subject to the following proffered conditions:

1. The following “by right” uses in Community Business (CB) district are voluntarily excluded:
 - Business or Trade School
 - Cemetery
 - Community Center
 - Conference or Training Center
 - Crematorium
 - Custom Meat Cutting, Processing, Sales
 - Funeral Home
 - Homeless Shelter
 - Library
 - School
 - Telecommunications Tower, attached
2. Any change from the existing use of the property shall require approval and compliance with all applicable VDOT regulations.
3. No commercial buses shall be parked or stored on the property until such time that the Montgomery County Zoning Ordinance is amended to either specifically allow the parking of large commercial buses as a permitted accessory use by right in the Community Business (CB) zoning district or when the property owner is allowed by special use permit approved by the Board of Supervisors.

The subject parcel is located at 3653 Peppers Ferry Road and is identified as Tax Parcel #64-A-92, Account # 002869 in the Riner Magisterial District (District B).

The parcel currently lies in an area designated as Village Expansion in the Comprehensive Plan and as Mixed Use within the Belview Village Plan.

This action was commenced upon the application of Bryan and Katie Katz.

This ordinance shall take effect upon adoption.

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Mary W. Biggs		
Gary D. Creed		
William H. Brown		
Doug Marrs		
Annette S. Perkins		

NEW BUSINESS

A-FY-11-44 SCHOOL OPERATING FUND SUPPLEMENTAL APPROPRIATION EDUCATION JOBS STIMULUS FUNDING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

610000 Instruction	\$955,952
640000 Operations and Maintenance	<u>\$ 39,766</u>
Total	\$995,718

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>	
Education Jobs Stimulus	\$995,718

Said resolution appropriates federal funds to support the first year of a two year plan for the use of Education Jobs Stimulus Funds.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Mary W. Biggs	None	John A. Muffo
Gary D. Creed		
William H. Brown		
Doug Marrs		
James D. Politis		
Annette S. Perkins		

A-FY-11-45 SOCIAL SERVICES FY 11 BUDGET RECONCILIATION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund appropriation was reduced for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

540	Social Services	(\$137,584)
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The reductions in funding for the foregoing appropriation are as follows:

<u>Revenue Account</u>		
	State & Federal Dollars	(\$136,962)
451203	County Dollars	<u>(\$622)</u>
	Total	(\$137,584)

Said resolution reconciles the Social Services County FY 11 Budget to the State FY 11 Budget.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Gary D. Creed	None	John A. Muffo
William H. Brown		
Doug Marrs		
James D. Politis		
Mary W. Biggs		
Annette S. Perkins		

R-FY-11-47
AFD ADVISORY BOARD
APPOINTMENT

On a motion by James D. Politis, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Gregory W. Miller** to the **Agricultural and Forestal District (AFD) Advisory Committee** effective November 11, 2010.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>	<u>ABSTAIN</u>
Gary D. Creed	None	John A. Muffo	Mary W. Biggs
William H. Brown			
James D. Politis			
Doug Marrs			
Annette S. Perkins			

Supervisors Biggs commented that she abstained from voting because Mr. Gregory Miller is her cousin and she felt this to be a conflict of interest.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Proposed Request by Joseph & Elizabeth Maxwell for a Special Use Permit to allow a 199 ft. telecommunications tower at 1485 Harding Road.
2. School Issues

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
William H. Brown	None	John A. Muffo
James D. Politis		
Mary W. Biggs		
Gary D. Creed		
Doug Marrs		
Annette S. Perkins		

Request by Joseph & Elizabeth Maxwell for a Special Use Permit to allow a 199 ft. telecommunications tower at 1485 Harding Road

Michael Pace, Gentry Locke Rakes and Moore, LLP, addressed concerns related to the special use permit for a telecommunications tower on Harding Road. Mr. Pace provided a map showing all existing cell tower sites located in Montgomery County that are either owned or used by AT&T, for a total of twenty-six. There are twenty (20) co-location sites and six new sites.

Mr. Pace reported AT&T looked at three locations on the Maxwell's property. The original tower location is higher up on the ridge and closer to Mr. Hopkins' residence. This location would require a rezoning and special use permit. The second location, which is the requested site, is located in the general business section of the Maxwell's property. The site is lower on the property near Harding Road. The third location is the location at the highest point of the property and the property owner is not willing to lease this site, and this location will not meet the set back requirements.

Mr. Pace also reported that in discussions with American Electric Power it was found the proposed cell tower location meets AEP standards. They do have a site visit scheduled with AEP and if AEP determines that the power lines need to be placed underground due to the proposed tower then AT&T will cover all expenses to install the lines underground.

Mr. Pace commented that the proposed location is the most feasible as it meets all the set back requirements, is located in general business zoning, and can provide more co-locators. He stated the new tower would stop the surge of dropped calls and would increase the coverage area.

If the tower is approved at a height of 167 feet or 199 feet the tower will provide space for 2 other carriers and for public safety. If a lower height is approved then there will be no space for co-locators.

Mr. Pace urged the Board to approve their request. He asked if the tower is not located at this particular site on Harding Road then where? If denied, AT&T will still have to find a location along Harding Road to provide the needed coverage in this area.

Board members acknowledged citizens concerns with the proposed tower being too close to residents and asked if the tower could be moved back. Mr. Pace replied that the tower location could be moved; however, they will need to apply for a rezoning permit.

The majority of the Board reported they are not against telecommunications towers as a rule, just the location being proposed. They believe the proposed site is too near residents and is causing a large outcry of opposition to the proposed site.

Steve Sandy, Planning Director, asked for the Board's direction on this request. Do they want to have a resolution on their November 22, 2010 agenda for consideration or do they want additional information. AT&T has indicated that either a 167 ft. or 199 ft. tower will work for them.

Board members asked what would be the minimal height that could be erected with or without co-locators. Mr. Pace replied that he will find out this information and report back to them.

The Chair asked if a resolution is needed to send the SUP request back to the Planning Commission. The County Attorney explained that no resolution is needed as the request does not need to go back before the Planning Commission. When additional information is received, the Board at that time can request to add it to their agenda.

School Issues

Supervisor Politis commented that he has been thinking long and hard about the Blacksburg High School situation. He stated that there have been opinions on both sides of the spectrum on whether to repair or build a new BHS. An additional \$800,000 is needed for testing the BHS and the repair cost has escalated to \$23 million, if not more. He stated that he was comfortable with repair costs at \$15 million; however, he questioned if investing \$23 million to repair an old building was worth it.

Supervisor Politis suggested selling vacant, or soon to be vacant, school facilities (Elliston-Lafayette Elementary, Price's Fork Elementary, Old Blacksburg Middle School and Blacksburg High School) to provide the County with additional revenue to offset the cost to replace schools in Blacksburg and Riner. The County has \$8 million in reserves and is expecting to receive \$3-4 million in insurance money for the BHS gym roof. He believes this plan will help provide the County with the resources needed to begin the process of funding the School Board's request for replacing the Auburn and Blacksburg High Schools and renovating the Auburn Middle School. He also noted that this will help reduce the amount that will need to be borrowed.

Supervisor Politis recommended that the Auburn project move forward first as the School Board already has a conceptual design and they could start work on a design for the Blacksburg High School in the meantime.

Supervisor Politis stated that several conditions would have to be met before his plan could begin, such as approval from the School Board to surplus vacant facilities and rezoning of the OBMS property by the Town of Blacksburg.

Supervisor Brown thanked Supervisor Politis for his proposal but has misgivings that the proposal is contingent upon vacant facilities being sold. He asked what would happen if the properties are not sold. Supervisor Brown commented that he could support the repair of the BHS if the repair cost remained between \$14 -19 million; however, when the repair cost is estimated at \$23 million and upwards, it is unreasonable to support the repair.

Supervisor Biggs also thanked Supervisor Politis for his proposal. She stated there is support for both the Auburn and Blacksburg communities and believes this proposal addresses both needs. Supervisor Biggs stated the School Board will need to surplus vacant school properties and a chance for the Town of Blacksburg to come forward and do what's right for the citizens of Montgomery County.

Supervisor Creed stated that the County will still need to borrow funding for school construction, whether it is now or later. He also stated that information he requested on this issue still has not been received. He believes the correct information needs to be received.

Supervisor Creed believes that the County needs to challenge the Town of Blacksburg on their code investigation of a county owned building. He thinks the County needs to get an Attorney General's opinion on what code enforcements do Towns have over County owned facilities.

Supervisor Marrs commented that he has heard what Supervisor Politis is proposing but at the end of the day in order to build two new schools the County will still have to find a way to finance them. He is willing to hear what the School Board has to say on this proposal and would like to know the value of the vacant facilities.

The County Administrator noted that he cannot guarantee that a real estate tax increase will not be needed in the upcoming fiscal year due to the huge operating needs in the County. He stated that for the capital budget, they can strive to have no debt payments for several years in order not to increase taxes for school construction.

Supervisor Perkins asked if this proposal is something the Board of Supervisors would like to pursue. The majority of the Board agreed to forward Supervisor Politis' proposal to the County Administrator.

Supervisor Politis thanked the Board for their consideration of this proposal. He believes this tries to address most of the needs. He also thanked the citizens for attending the meetings and voicing their opinion on this matter. Supervisor Politis stated the main thing is to get the County, Town and School Board working together.

OUT OF WORK SESSION

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
James D. Politis	None	John A. Muffo
Mary W. Biggs		
Gary D. Creed		
Doug Marrs		
William H. Brown		
Annette S. Perkins		

COUNTY ATTORNEY'S REPORT

The County Attorney reported he will work with the County Administrator to prepare a draft of Supervisor Politis' proposal by the end of the week.

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

- County offices Closed Thursday, November 11, 2010 in observance of Veterans Day.
- Meeting with Legislators – Monday, November 15, 2010 at 5:00 p.m.
- Coal Miners Loop Trail Ribbon Cutting Ceremony – Wednesday, November 17, 2010 at 10:00 a.m.

BOARD OF SUPERVISORS' REPORTS

Supervisor Biggs thanked Supervisor Politis for his proposal regarding school needs. She also asked everyone to remember our Veterans tomorrow.

Virginia Association of Counties Annual Conference - Supervisor Biggs attended the annual conference and stated there are still a lot of challenges ahead for the Commonwealth of Virginia.

Supervisor Creed asked if the County can get the Attorney General's opinion on what kind of authority towns have over county and state owned buildings that are located in the town limits. He is not saying that we should not meet codes but what authority do town officials have over county buildings located within the town.

The Chair asked if there was a consensus to get the Attorney General's opinion on this matter. There was not a consensus. The County Attorney will provide a report on the building code that will explain what the code provides for towns and counties. What the building officials can and cannot do and what authority they have.

Supervisor Brown thanked the citizens for coming out to the meetings and expressing their concerns. He also made a comment on citizens' comments that the Board of Supervisors has called some citizens bullies, which is not true. He stated he respects everyone's opinion and just because he may not agree he will still listen to what is being said.

Supervisor Marrs commented that the County will need to use caution if the proposal submitted by Supervisor Politis is approved. He has the following concerns:

- Have to operate the County
- No pay increase for employees in 2 years
- Teacher salary increases
- The State is continuing to cut local funding and questioned how much will the County have to pick up.

- Sheriff & Public Safety needs
- Need for more staff for the new Courthouse

Supervisor Perkins asked that the Board not allow money matters keep them from doing what is needed. She believes the Board will come up with a way to finance what is needed and do what is right.

ADJOURNMENT

The Chair declared the meeting adjourned to November 15, 2010 at 5:00 p.m. for a Special Meeting.

The meeting adjourned at 11:10 p.m.

APPROVED: _____
Annette S. Perkins
Chair, Board of Supervisors

ATTEST: _____
F. Craig Meadows
County Administrator